IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 11TH DECEMBER 2006 / 20TH AGRAHAYANA 1928

Bail Appl..No. 7165 of 2006()

C.R. NO. 10/06 OF ERATTUPETTA EXCISE RANGE

PETITIONER:

SAJI KURIAN,
KUMMANNUPARAMPIL, THEEKOY KARA, THEEKOY VILLAGE.

BY ADV. SRI.V.GIRI

RESPONDENTS:
---

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. EXCISE INSPECTOR,
ERATTUPETTA RANGE, ERATTUPETTA.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

- - - - - - - - - - - - - - - - - -

Bail Application NO. 7165 of 2006

- - - - - - - - - - - - - - - - -

DATED: 11-12-2006

O R D E R

Petitioner who is the sole accused in C.R. No. 10/06 of Erattupetta Excise Range for offences punishable under Sections 8 (1) and 8(2), 58 and 67 B of the Abkari Act for allegedly having stocked in the building taken on lease by him 350 liters of spirit and 91 bottles of IMFL (allegedly manufactured by him) on 31-8-2006 at 6 p.m., seeks anticipatory bail.

2. The learned Public Prosecutor opposed the application.

3. After considering the matter at length, I am not inclined to grant anticipatory bail to the petitioner. It is too early to conclude that the petitioner is innocent and that he has a valid alibi evidenced by the medical certificate produced by him. I am not satisfied that both the grounds enumerated under Sec. 41A (b) (ii) of the Abkari Act are present in this case so as to justify the grant of anticipatory bail to the petitioner. There is not reason why the petitioner should not seek regular bail after surrendering before the concerned Magistrate. Accordingly, if the petitioner surrenders before the Magistrate and files an application for regular

bail within one month from today, the same shall be considered and disposed of on the same date on which it is filed.

With the above observation, this application is dismissed.

V.RAMKUMAR,
JUDGE.

ani.